



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,487	05/15/2009	Lars Petersen	606-134.101	3682
22145 7590 11/16/2011 KLEIN, O'NEILL & SINGH, LLP 18200 VON KARMAN AVENUE SUITE 725 IRVINE, CA 92612			EXAMINER CANFIELD, ROBERT	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 11/16/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/585,487	PETERSEN, LARS	
	Examiner	Art Unit	
	ROBERT CANFIELD	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/21/11.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2,4-7,10-13,15,16 and 20-30 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,2,4-7,10-13,15,16 and 20-30 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 20 February 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/21/11</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3635

1. This Office action is in response to the amendment filed 09/21/11. Claims 1, 2, 4-7, 10-13, 15, 16 and 20-30 are pending. Claims 3, 8, 14 and 17-19 have been canceled.

2. The supplemental information disclosure statement (IDS) submitted on 09/21/ is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

3. The previous drawing objection is overcome by the cancellation of claim 8.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, some of the building elements extending horizontally and other extending vertically [claim 20] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

Art Unit: 3635

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 20-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 20 calls for the building elements to be assembled into a multi-element element façade structure including some of the building elements extending horizontally and other extending vertically yet there are no details in the specification of how the elements are assembled or interconnected to form the multi-element façade structure. The specification fails to even define what is considered a horizontal and vertical orientation. There is insufficient/missing

Art Unit: 3635

information provided as to how make a multi-element façade structure with some elements extending horizontally and other extending vertically.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 2, 4, 6, 7, 9-12, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2,708,030 to Marsol.

Marsol provides a building element comprised of "self-supporting" spaced glass panels 1/2 having pultruded elements 6 around the peripheral edge thereof. The pultruded elements 6 including glass fibers and having a coefficient of expansion close to that of the glass panels. (see fourth paragraph of English machine translation). The pultruded elements are bonded to the glass with a structural glue (first paragraph page 2 of English translation) which may be an epoxy structural adhesive (paragraph 9 page 3 of English translation). Vapor absorbing substance or desiccant is provided in metallic element 3. Metallica element 3 is considered to meet the limitation of a gas tight foil [cl. 12].

9. Claims 1, 2, 4, 6, 7, 9-11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 91/08366 to Davies.

Davies provides a building element comprised of "self-supporting" spaced glass panels 10/11 having pultruded elements 12 around the peripheral edge thereof. The

Art Unit: 3635

pultruded elements 12 including glass fibers and having a coefficient of expansion substantially equal to that of the glass panels. (see bottom page 5). The pultruded elements are bonded to the glass with a urethane structural sealant 28/29. Vapor absorbing substance or desiccant 25 is provided in integral distance element 21.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over each of FR 2,708,030 to Marsol and Davies WO 91/08366 in view of EP 0 113 209 To Davies.

Marsol and Davies WO 91/08366 each provide all of the elements of the claim as noted above except for specifying the content of the fibers being more than 40%

Davies '209 teaches at pages 21 and 22 that at the time of the invention it was known that the percentage of glass fibers by weight can be varied to specifically tailor to a specific glass and obtain the required coefficient of thermal expansion and more specifically provides an example employing 80% glass fibers by weight

It would have been obvious at the time of the invention to one having ordinary skill in the art that the pultruded elements of Marsol and Davies '366 could have included a content of fibers of more than 40% by weight in view of the teachings of Davies '209 in order to obtain a required coefficient of thermal expansion.

11. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2,708,030 to Marsol in view of U.S. Patent 5,079,054 to Davies.

Marsol provides each of the elements of the claims as noted above except that a foil vapor barrier is provided integral to the protruded elements.

Davies teaches that at the time of the invention it was known to provide a foil vapor barrier 40 in an integral pultrusion process with the spacer or distancing element of a multi-pane building element.

It would have been obvious at the time of the invention to one having ordinary skill in the art that the pultruded element 6 of Marsol could have integrally been provided with a foil vapor barrier as taught by Davies at 40 so as to provide an improved vapor/moisture transmission.

12. Applicant's arguments filed 09/21/11 have been fully considered but they are not persuasive.

Applicant argues that neither Marsol nor Davies '366 contains any teaching or suggestion of a self-supporting glass panel. This is not found persuasive because the glass panel elements of both Marsol and Davies '366 are each capable of standing on their own and are thus considered to be "self-supporting" to the same extent as applicant's. Further, the translation of Marsol states that the glass itself is directly involved in the resistance of the window, thus allowing the use of a support frame whose structure and size can be considerably reduced. The glass panels are an element of the claimed building element and structurally the same as applicant's glass panels. Applicant argues that each of Marsol and Davies require frame elements whereas the instant invention does not contemplate the use of any external supporting

Art Unit: 3635

structure. This is not found persuasive because the instant claims are directed to building elements comprised of glass panels having first and second pultruded elements adhered thereto. These pultruded elements are an external support structure at least to some degree. This is the exact structure provided by each of Marsol and Davies '366 as noted in the above rejections. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,266,207 to Birum teaches that at the time of the invention it was known to provide a building structure having a multi-element façade structure where some elements are horizontal (14) and some are vertical (11).

U.S. Patent 3,316,681 to Eber teaches that at the time of the invention it was known to provide a building structure having a multi-element façade structure where some elements are horizontal (13) and some are vertical (11).

U.S. Patent 4,523,414 Horgan teaches that at the time of the invention it was known to provide a building structure having a multi-element façade structure where some elements are horizontal (13) and some are vertical (14).

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT CANFIELD whose telephone number is (571)272-6840. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert J Canfield
Primary Examiner
Art Unit 3635

/Robert J Canfield/
Primary Examiner, Art Unit 36